

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - AMARILLO DIVISION

SAMANTHA NELSON for herself and §
minor child L.N., §
Plaintiff, § **CAUSE NO.** _____
§
v. §
§
NAZARETH INDEP. SCHOOL DIST., §
PRINCIPAL ROBERT O'CONNOR, §
SUPERINTENDENT KARA GARLITZ §
Defendants. §

TEMPORARY RESTRAINING ORDER

The Court heard the Plaintiffs' application for restraining order, contained within the Nelson's *Original Complaint and Application for a Temporary Restraining Order* ("Application"). The Court GRANTS the Application as follows:

The Court FINDS that Plaintiffs are likely to succeed on the merits of their constitution-based claims regarding Defendants' use of Nazareth ISD Board Policy EIE (LOCAL)-X and retention committee to retain Defendant L.N. in fourth grade.

The Court further FINDS that the retention of Plaintiff's minor daughter L.N. in fourth grade is likely to irreparably harm L.N. now and in the future unless enjoined, including significant and irreparable damage to her education and mental health while denied a free and appropriate public education free from illegal retention sanctioned by the Nazareth Independent School District, policy and enforcement thereof.

Additionally, the Court FINDS immediate injunctive intervention is appropriate to prevent further harm and modify the status quo to prevent additional harm before the Court can hear and consider the Plaintiff's application for a temporary injunction.

NOW, THEREFORE, good cause appearing, the Court GRANTS the application, and ORDERS Defendant Nazareth Independent School District, and its agents to cease enforcement actions preventing L.N.'s advancement to the fifth grade, for fourteen (14) days, pending an evidentiary hearing on Plaintiff's Application for temporary injunction, as follows:

Defendants shall not deny L.N. access to Nazareth Independent School District facilities and classes as a fifth-grade student.

This Temporary Restraining Order is granted on the condition that an undertaking, executed by the plaintiff and an appropriate surety in the sum of \$100.00 be filed to make good such damages as may be occasioned by the Defendants, not to exceed said sums as may be suffered by a Defendant who is found to be wrongfully restrained.

Filing of the bond herewith required is noted by this court as having occurred by the time of issuance of this order on the same day.

The Plaintiff's motion on the application for a temporary injunction is hereby set to be heard before the Court at _____, on _____ at _____ o'clock. This temporary restraining order shall continue in force for fourteen (14) days from the date it takes effect.

IT IS HEREBY ORDERED that the trial on the action on the merits will advanced and consolidated with the hearing on the application for preliminary injunction.

Dated: _____

Judge Presiding